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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,951

12/27/2000

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EXAMINER

TRAN, TRANG U

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,951

Applicant(s)

MENEZ, BENOIT POL

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Feb. 04, 2005 have been fully considered but they are not persuasive.

In re pages 5-7, applicant argues, with respect to claims 1, 2, and 5-9, that Qureshey does not disclose or suggest the step of selecting a language in which on-screen displays are displayed and the audio programs are broadcast on the receiver by entering a single selection on the on-screen display as recited in claim 1.

In response, the examiner respectfully disagrees. Qureshey disclosed in page 4, paragraph #0049 and #0050 and in page 5, paragraph #0057 that the select-language display 310, shown in FIG. 3B, allows the user to elect to receive Web broadcasts in one or more selected languages and the language of the lists of available languages disclosed in page 5, paragraph #0057. Thus, Quershey does disclose the claimed selecting a language in which on-screen displays are displayed and the audio programs are broadcast on the receiver by entering a single selection on the on-screen display in page 4, paragraph #0049 and #0050 and in page 5, paragraph #0057.

In re pages 7-8, applicant argues that claims 3-4 and 10-11 are allowable for the same reasons as discussed in claim 1 above.

In response, as discussed above, Qureshey discloses the claimed selecting a language in which on-screen displays are displayed and the audio programs are broadcast on the receiver by entering a single selection on the on-screen display in page 4, paragraph #0049 and #0050 and in page 5, paragraph #0057.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Qureshey et al (US 2002/0072326 A1).

In considering claim 1, Qureshey et al discloses all the claimed subject matter, note 1) the claimed accessing an on-screen display for the receiver is met by a menu display 320 that allows the user to access the various setup and control displays shown in FIGS. 3D-3E (FIGS. 3B and 3D-3E, page 4, paragraph #0050); and 2) the claimed selecting a language in which the on-screen displays are displayed and the audio programs are broadcast on the receiver by entering a single selection on the on-screen display is met by the activating a select-language display 310 (FIGS. 3B-3C, page 4, paragraphs #0049 and #0050 and page 5, paragraph #0057).

In considering claim 2, the claimed step of saving the selection of the language to a memory is met by the selecting of the available languages (Fig. 3B, pages 4-5, paragraph #0052).

In considering claim 5, the claimed wherein a remote control device and a microprocessor are used to select the language are met by the wireless remote 135 and the Central Processor Unit (CPU 202) (page 3, paragraphs #0037 and 0038).

Claims 6-7 are rejected for the same reason as discussed in claims 1-2, respectively.

In considering claim 8, the claimed wherein the single selection selects the language in which all selectable display and audio features of the digital receiver are displayed and broadcast even if certain ones of said display and audio features are not selected by a user is met by the selecting of the available languages (Fig. 3B, pages 4-5, paragraph #0052).

Claim 9 is rejected for the same reason as discussed in claim 5.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshey et al (US 2002/0072326 A1) in view of Hanaya et al (US 6,519,009 B1).

In considering claim 3, Qureshey et al discloses all the limitations of the instant invention as discussed in claim 1, except for providing the claimed wherein the on-screen displays including close captioning. Hanaya et al teach that the MPEG video decoder 25 generates a predetermined OSD data in correspondence to the control to

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write the data into the OSD area 25aA (Fig. 13) of the DRAM 25a, then the data is further read and output, this allows predetermined characters, figures (for example, a menu (Fig. 17)), and a general program guide (Fig. 19) to be output appropriately to a monitor device 4 to be displayed (col. 7, lines 26-35). Therefore, it would h been obvious to one of ordinary skill in the art at the time of the invention to incorporate the OSD data (includes close captioning data) as taught by Hanaya et al into Qureshey et al's system in order to simplify the process of selecting the desired video program by using the television guide.

In considering claim 4, Qureshey et al discloses all the limitations of the instant invention as discussed in claim 1, except for providing the claimed wherein the on-screen displays including teletext. Hanaya et al teach that the MPEG video decoder 25 generates a predetermined OSD data in correspondence to the control to write the data into the OSD area 25aA (Fig. 13) of the DRAM 25a, then the data is further read and output, this allows predetermined characters, figures (for example, a menu (Fig. 17)), and a general program guide (Fig. 19) to be output appropriately to a monitor device 4 to be displayed (col. 7, lines 26-35). Therefore, it would h been obvious to one of ordinary skill in the art at the time of the invention to incorporate the OSD data (includes teletext data) as taught by Hanaya et al into Qureshey et al's system in order to simplify the process of selecting the desired video program by using the television guide.

Claims 10-11 are rejected for the same reason as discussed in claims 3-4, respectively.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
June 24, 2005

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600